

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, December 19, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - October 11, 20, 24, November 7, 14, 21 and 28, 2005.

.

The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 05-1219-01 Michael Saxton petition to reconstruct Sundby Road from Page Street northerly 1,415+ feet.
-- Assessor
- * 05-1219-02 David A. Sackette requesting to change the name of a portion of road in the Sackette Addition from Denim Drive to Wisteria Lane. -- Planning commission

REPORTS OF OFFICERS

- * 05-1219-03 Assessor affidavits of mailing of notices of public hearings by the special assessment board on Tuesday, December 13, 2005, in Room 106A, City Hall, at:
 - (a) 3:30 p.m. regarding the proposed construction of watermain and sanitary sewer near vacated Lorain Avenue;
 - (b) 4:00 p.m. regarding the proposed construction of sanitary sewer in Maple Grove Road beginning 200 feet west of Robin Avenue and extending 100 feet westerly. -- Clerk
- * 05-1219-04 Clerk application to the Minnesota gambling control board for exemption from lawful gambling license from Miller-Dwan Foundation on September 29, 2006 (raffle). -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 05-1219-05 Commission on disabilities minutes of November 2, 2005, meeting. -- Received
- * 05-1219-06 Duluth state convention center administrative board minutes of October 25, 2005, meeting. -- Received
- * 05-1219-07 Housing and redevelopment authority minutes of August 30, 2005, meeting. -- Received
- * 05-1219-08 Library board minutes of: (a) September 27; (b) October 25, 2005, meetings. -- Received
- * 05-1219-09 Parks and recreation commission minutes of October 12, 2005, meeting. -- Received
- * 05-1219-10 Seaway Port authority of Duluth: (a) Financial statement of September 30, 2005; (b) Minutes of: (1) July 21, (2) August 25; (3) October 5, 2005, meetings. -- Received

* Listed only, not copied.

- - -
REPORTS OF COUNCIL COMMITTEES
- - -
REPORTS OF COUNCIL OPEN ISSUES

- | | |
|--|---------------------------------------|
| • Comprehensive plan (5/28/2002) | • ISD 709 (7/10/2003) |
| • Planned unit development (5/28/2002) | • Retiree benefits (4/12/2004) |
| • Canal Park parking ramp (11/21/2002) | • Air National Guard base (7/21/2005) |
| • Bayfront master plan (12/16/2002) | • Kapsner issues (8/22/2005) |

- - -
OPPORTUNITY FOR CITIZENS TO BE HEARD
- - -

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0741R - RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH SUPERVISORY ASSOCIATION REGARDING ACTIVE AND RETIREE HEALTH INSURANCE.
(TABLED 11/14)

05-0834R - RESOLUTION APPROVING CAPITAL IMPROVEMENT PLAN AND CALLING FOR PUBLIC HEARING ON INTENTION TO ISSUE IMPROVEMENT BONDS UNDER MINNESOTA STATUTES, SECTION 475.521.
(TABLED 12/5)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0699R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL).
(TABLED 10/24)

05-0700R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL).
(TABLED 10/24)

05-0761R - RESOLUTION TERMINATING A CONCURRENT USE PERMIT TO THE DULUTH TRANSIT AUTHORITY FOR A BUS SHELTER ON SECOND AVENUE EAST ABOVE SUPERIOR STREET (NORSHOR BUILDING).
(TABLED 11/14)

- - -

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR STAUBER

(FINANCE)

05-0853R - RESOLUTION APPROVING DEDA'S GENERAL, DEBT SERVICE, CAPITAL PROJECTS AND STOREFRONT LOAN FUND BUDGETS FOR 2006.

05-0874R - RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT BETWEEN CITY OF DULUTH AND LOCAL 66 OF A.F.S.C.M.E. REGARDING STANDBY SCHEDULING OF ENGINEERING PERSONNEL.

05-0878R - RESOLUTION AMENDING RESOLUTION 05-0088; EXTENDING THE TERM THEREOF.

BY COUNCILOR STEWART

(PURCHASING & LICENSING)

05-0846R - RESOLUTION AWARDED CONTRACT TO WEST SIDE EQUIPMENT COMPANY, INC., FOR ONE VEHICLE LIFT IN THE AMOUNT OF \$88,714.50.

05-0847R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DULUTH ENTERTAINMENT CONVENTION CENTER REGARDING THE OPERATION OF THE MINNESOTA SLIP PEDESTRIAN DRAW BRIDGE IN THE ESTIMATED AMOUNT OF \$32,400.

05-0859R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR GREATER DOWNTOWN COUNCIL.

05-0860R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO IRVING COMMUNITY ASSOCIATION, AMERICAN LEGION POST #71 AND WELCH CENTER.

05-0870R - RESOLUTION DESIGNATING THE DULUTH NEWS TRIBUNE AS THE OFFICIAL NEWSPAPER OF THE CITY FOR THE YEAR 2006.

05-0876R - RESOLUTION AWARDED CONTRACT TO ANDERSON GRAVEL AND DEMOLITION FOR ASBESTOS ABATEMENT AND BUILDING DEMOLITION IN THE AMOUNT OF \$27,450.

05-0877R - RESOLUTION APPROVING A \$70,000 2006 MINNESOTA LAKE SUPERIOR COASTAL PROGRAM GRANT APPLICATION AND ACCEPTANCE.

05-0880R - RESOLUTION APPROVING THE TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND APPLICATION FOR AN ON SALE SUNDAY LICENSE AND 2:00 A.M. BEVERAGE LICENSE FROM PK & JS, INC. (TWINS BAR), 501 EAST FOURTH STREET, TO J&J MILLER, INC. (COPASETIC LOUNGE), 322 EAST CENTRAL ENTRANCE.

COMMITTEE 1

BY COUNCILOR JOHNSON (PERSONNEL)

05-0839R - RESOLUTION ELECTING MEMBERS TO THE BOARD OF MANAGERS OF THE DULUTH/NORTH SHORE SANITARY DISTRICT PURSUANT TO MINNESOTA STATUTES, SECTION 115.23, SUBDIVISION 7.

05-0840R - RESOLUTION CONFIRMING THE APPOINTMENT OF ALBERT M. KATZ TO THE SANITARY SEWER BOARD OF THE WLSSD, REPLACING JANE GILBERT.

05-0882R - RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN HINZMANN, JR., TO THE BOARD OF ZONING APPEALS, REPLACING DONNA SCORSE.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0841R - RESOLUTION VACATING FOURTH STREET BETWEEN BIRCH STREET AND LYNN STREET ON RICES POINT AND RESCINDING PRIOR RESOLUTION 05-0785 RELATING THERETO (SEAWAY PORT AUTHORITY OF DULUTH).

05-0849R - RESOLUTION AUTHORIZING AN AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CITY HOMES III PROJECT AGREEMENT WITH NORTHERN COMMUNITIES LAND TRUST EXTENDING THE AGREEMENT AT NO CHANGE IN PROJECT COMPENSATION.

05-0852R - RESOLUTION AUTHORIZING SECOND AMENDMENT TO HOME PROGRAM CITY HOMES III AGREEMENT WITH NORTHERN COMMUNITIES LAND TRUST EXTENDING THE AGREEMENT AT NO CHANGE IN PROJECT COMPENSATION.

05-0854R - RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE HOME PROGRAM HOUSING DEVELOPMENT PROJECTS - PHOENIX HOUSE AGREEMENT WITH LIFE HOUSE, EXTENDING THE TERM OF THE AGREEMENT.

05-0855R - RESOLUTION TRANSFERRING FUNDS IN THE AMOUNT OF \$110,470 BETWEEN THE 2000, 2003 AND 2004 HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS.

05-0856R - RESOLUTION AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH CC SAN MARCO, LLC, RELATED TO THE SAN MARCO RESIDENTIAL DEVELOPMENT.

05-0861R - RESOLUTION AUTHORIZING CIRRUS DESIGN REDEVELOPMENT GRANT. **(REPLACEMENT)**

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0873R - RESOLUTION APPROVING A CONTRACT WITH WLSSD FOR COLLECTION OF FEES.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0843R - RESOLUTION AMENDING RESOLUTION 05-0819 FOR A CONTRACT TO NORD-SEN METAL INDUSTRIES, INC., FOR A COAL ELEVATOR TO INCREASE THE AMOUNT BY \$7,585.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0844R - RESOLUTION AMENDING RESOLUTION 04-0437 AWARDED A CONTRACT TO AYRES ASSOCIATES FOR PROFESSIONAL SERVICES (2005 STREET IMPROVEMENT PROJECT-LINCOLN PARK) TO INCREASE THE AMOUNT BY \$114,395.

05-0845R - RESOLUTION AMENDING RESOLUTION 04-0466 AWARDED A CONTRACT TO KRECH, OJARD AND ASSOCIATES FOR PROFESSIONAL SERVICES (WEST THIRD STREET RECONDITIONING) TO INCREASE THE AMOUNT BY \$185,000.

05-0858R - RESOLUTION ACCEPTING CONVEYANCE OF AN EASEMENT FOR STREET AND HIGHWAY PURPOSES.

05-0871R - RESOLUTION REVISING THE LIST OF HIGH-PRIORITY BRIDGES IN THE CITY OF DULUTH.

05-0872R - RESOLUTION AUTHORIZING AGREEMENT WITH SHORT ELLIOTT HENDRICKSON, INC., FOR ENGINEERING SERVICES FOR FINAL CLOSURE OF DUMP SITE NO. 1 (LEPAK) NOT TO EXCEED \$54,000.

05-0879R - RESOLUTION AUTHORIZING A FIVE YEAR CONTRACT WITH WLSSD FOR WASTEWATER CAPACITY ALLOCATION AND SETTING COSTS.

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0881R - RESOLUTION TO ESTABLISH ONE STALL HANDICAPPED PARKING ZONES AT VARIOUS LOCATIONS.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0838R - RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY (DEDA) RELATING TO PARTICIPATION BY DEDA IN THE CITY OF DULUTH SELF INSURANCE FUND PROGRAM FOR 2006.

END OF CONSENT AGENDA

- - -

The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0833R - RESOLUTION ALLOCATING \$100,000 ADDITIONAL FUNDS TO THE GREATS LAKES AQUARIUM AND DISTRIBUTING THE ESTIMATED 2006 TOURISM TAXES OF HOTEL-MOTEL AND FOOD AND BEVERAGE.

05-0863R - RESOLUTION APPROPRIATING TOURISM TAX FUND BALANCE IN THE AMOUNT OF \$31,116 FOR THE PURCHASE OF GREEN COVERS.

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

NEW 05-0885R - RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH BLUE CROSS AND BLUE SHIELD OF MINNESOTA TO PROVIDE ADMINISTRATIVE SERVICES, STOP LOSS INSURANCE, AND THE BLUE PRINT FOR HEALTH-CARE SUPPORT PROGRAM TO THE CITY GROUP HEALTH PLAN DURING YEAR 2006, AT AN ESTIMATED TOTAL COST TO THE CITY OF \$1,262,674.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

NEW 05-0862R - RESOLUTION AUTHORIZING DULUTH HERITAGE SPORTS CENTER (DHSC)/CLYDE REDEVELOPMENT GRANT.

05-0864R - RESOLUTION APPROVING THE 2006 ACTION PLAN PORTION OF THE 2005-2009 CONSOLIDATED PLAN AND AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM AND EMERGENCY SHELTER GRANT (ESG) PROGRAM FUNDS.

05-0865R - RESOLUTION AUTHORIZING A REQUEST FOR HUD FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE 2006 PROGRAM YEAR AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR CDBG FUNDS AND AUTHORIZING AGREEMENTS WITH APPROPRIATE AGENCIES.

05-0866R - RESOLUTION AUTHORIZING A REQUEST FOR HUD HOME FUNDS FOR THE 2006 PROGRAM YEAR, AS WELL AS APPROVING THE REALLOCATION OF CERTAIN PRIOR HOME FUNDS, AND AUTHORIZING CONTRACTS.

05-0867R - RESOLUTION AUTHORIZING A REQUEST FOR HUD EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS FOR THE 2006 PROGRAM YEAR AND AUTHORIZING CONTRACTS.

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0848R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND ACCEPT FUNDS FROM ST. LOUIS COUNTY TO PROVIDE MINNESOTA FAMILY INVESTMENT PROGRAM AND DIVISIONARY WORK PROGRAM EMPLOYMENT AND TRAINING SERVICES IN THE AMOUNT OF \$1,036,032 FOR THE PERIOD JANUARY 1, 2006, TO DECEMBER 31, 2006.

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

NEW 05-0884R - RESOLUTION ACCEPTING THE REPORT OF THE POST EMPLOYMENT HEALTH CARE BENEFITS TASK FORCE AND BEGINNING IMPLEMENTATION OF ITS RECOMMENDATIONS.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0875R - RESOLUTION ACCEPTING \$10,000 GIFT FROM MARY LOU KROTTY AND EXPRESSING GRATITUDE.

- - -

INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinance is to be read for the first time:

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.

The following entitled ordinances are to be read for the second time:

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-054-O - AN ORDINANCE TO AMEND THE BUDGET OF THE CITY OF DULUTH FOR THE YEAR 2005 INCREASING THE BUDGET AND APPROPRIATING MONIES FOR THE PAYMENT OF SUCH INCREASE.

05-055-O - AN ORDINANCE SETTING THE BUDGET FOR THE FISCAL YEAR 2006 APPROPRIATION MONIES FOR THE SUPPORT OF THE CITY GOVERNMENT, PUBLIC UTILITIES, AND PUBLIC ENTERPRISE FUNDS AND FOR OTHER PURPOSES.

05-056-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2006.

05-057-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2006.

05-058-O - AN ORDINANCE DETERMINING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH SEAWAY PORT AUTHORITY, FOR THE YEAR 2006.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-059-O - AN ORDINANCE PERTAINING TO RESTAURANTS; AMENDING SECTION 8-13 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

- - -

COUNCILOR QUESTIONS AND COMMENTS

- - -